

1 UNITED STATES DISTRICT COURT  
2 FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
3 SOUTHERN DIVISION  
4  
5 KASEY D. ALVES,  
6 Plaintiff,  
7 vs. CAUSE NO.: 1:06cv912 LG-JMR  
8 HARRISON COUNTY MISSISSIPPI, BY AND  
9 THROUGH THE BOARD OF SUPERVISORS;  
10 HARRISON COUNTY SHERIFF'S DEPARTMENT;  
11 SHERIFF GEORGE PAYNE, JR.; AND,  
12 HEALTH ASSURANCE, LLC.,  
13 Defendants.  
14  
15 DEPOSITION  
16 OF  
17 CONNIE ROCKO  
18 Taken on behalf of the Plaintiff  
19 2:26 p.m., Wednesday, March 12th, 2008  
20 before  
21 Lisa H. Brown, CSR #1166  
22  
23 COAST-WIDE REPORTERS  
24 Court Reporters  
25 Post Office Box 95  
Biloxi, Mississippi 39533-0095  
(228) 374-5066

2  
3 The deposition of CONNIE ROCKO, taken on the  
4 12th day of March, 2008, commencing at 2:26 p.m., at  
5 the offices of the Harrison County Board of  
6 Supervisors, 1831 23rd Avenue, in the City of  
7 Gulfport, County of Harrison, State of Mississippi,  
8 before Lisa Hood Brown, CSR, Freelance Court Reporter  
9 and Notary Public within and for the County of  
10 Harrison, State of Mississippi.  
11  
12 APPEARANCES:  
13 WOODROW W. PRINGLE, III, ESQUIRE  
14 2217 Pass Road  
15 Gulfport, Mississippi 39501  
16 Appearing on behalf of the Plaintiff.  
17 JON S. TINER, ESQUIRE  
18 Dukes, Dukes, Keating & Faneca  
19 2909 - 13th Street, Sixth Floor  
20 Gulfport, Mississippi 39501  
21 Appearing on behalf of the Defendant,  
22 Sheriff George Payne, Jr.  
23 JOSEPH MEADOWS, ESQUIRE  
24 KAREN J. YOUNG, ESQUIRE  
25 Meadows Law Firm  
Post Office Drawer 1076  
Gulfport, Mississippi 39502  
Appearing on behalf of the Defendant,  
Harrison County Board of Supervisors.  
ROBERT H. PEDERSEN, ESQUIRE  
Watkins & Eager  
400 East Capitol Street  
Jackson, Mississippi 39205  
Appearing on behalf of the Defendant, Heath  
Assurance, LLC.

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1 - - -  
2 CONNIE ROCKO,  
3 having first been duly sworn, was examined and  
4 testified as follows:  
5 - - -  
6 EXAMINATION  
7 BY MR. PRINGLE:  
8 Q. Please state your name.  
9 A. Connie Rocko.  
10 Q. Currently a member of the Harrison County  
11 Board of Supervisors?  
12 A. Yes, sir.  
13 Q. For what period of time? What years have  
14 you served on the Board?  
15 A. 2000 to present.  
16 Q. You have previously served as president of  
17 the Board?  
18 A. Yes, sir.  
19 Q. On how many occasions?  
20 A. Once.  
21 Q. Do you remember what year that was?  
22 A. It was six months after the storm, so that  
23 was 2006. January 2006, that's right.  
24 Q. What is your understanding of the Board's  
25 responsibility as concerning management of the

EXHIBIT

B

tabbles



PAGE 5 SHEET 2

5

1 Harrison County Jail, if any?

2 A. No management. However, we do appropriate  
3 funds and budget. And in trying to clarify that, and  
4 trying to seek some type of help, I went all the way  
5 to -- the Board requested that we have an appointment  
6 with the Attorney General. So, we met with the  
7 Attorney General's office, Mr. Hood and one of his  
8 assistants, and asked them if there was anything at  
9 all that we could do. And he said, No. Appropriate  
10 the budget, period. And that was in a face-to-face  
11 conversation, myself and Mr. Benefield and Mr. Joe  
12 Meadows.

13 MR. MARTIN: I didn't go.

14 THE WITNESS: I know, but was that -- I  
15 can't remember the time frame. I can't remember  
16 if it was after the privatization failed or  
17 before. But it was in the month of January of  
18 '06 or '07. When was the election?

19 MR. MEADOWS: '07.

20 A. '07, I'm sorry, '07.

21 BY MR. PRINGLE:

22 Q. Since your time on the Board, is it true  
23 that the first time to try to get legislation passed  
24 to privatize the Jail would've been in 2006?

25 A. Yes, sir.

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6

1 Q. I understood that was not successful because  
2 the sheriff would not agree; is that correct?

3 A. I don't know that that was why it wasn't  
4 successful. It was not successful because the house  
5 passed it and senate did not.

6 Q. The Board passed a resolution trying to seek  
7 legislation to privatize the Harrison County Jail; is  
8 that correct?

9 A. Yes.

10 Q. Was the sheriff consulted concerning that  
11 attempt to privatize the Jail?

12 A. Yes.

13 Q. Did he agree or disagree?

14 A. Through his employees. I never spoke with  
15 him, but to my knowledge, he was not in favor of it  
16 because Mr. Cabana was up there in Jackson lobbying  
17 against it heavily.

18 Q. That would be Don Cabana?

19 A. Yes, sir.

20 Q. And you said through of his employees. Who  
21 were the employees that advised you that they were not  
22 in favor of it?

23 A. Pardon?

24 Q. Who were the employees that advised you the  
25 sheriff was not in favor of it?

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1 A. It was, I would assume, either Mr. Cabana,  
2 on 8-7-06 in the Board meeting -- the sheriff,  
3 himself, did not say that, but it came from the  
4 sheriff because we spread on the minutes a letter  
5 requesting on 8-7-06 his opinion, and I don't believe  
6 we ever got an opinion one way or the other, but his  
7 employees, through his employees.

8 Q. You made reference to a letter?

9 A. This is the letter that the Board....

10 Q. Okay. The Board wrote a letter to the  
11 sheriff?

12 A. Yes, sir. I'm sorry I wasn't clear on that.

13 Q. That's all right. To your knowledge, no  
14 response was ever received?

15 A. No, sir. But when Mr. Cabana appeared in  
16 Jackson and lobbied against it, we got the message.

17 Q. How do you know Mr. Cabana appeared in  
18 Jackson lobbying against it?

19 A. It was a conversation that was being held  
20 with Mr. Cabana and Supervisor Martin when a senator  
21 came up to Mr. Cabana and said, I think we got this  
22 killed, and Mr. Cabana said, Have you met Supervisor  
23 William Martin?

24 Q. Do you remember who the senator was?

25 A. I don't remember. I don't know. It was

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8

1 hearsay from Mr. Martin.

2 Q. Mr. Martin reported that to you?

3 A. Uh-huh (indicating yes).

4 Q. You weren't there?

5 A. No, sir. I was e-mailing and that was how  
6 we -- we e-mailed every house member and every senator  
7 concerning this matter pleading with them.

8 MR. MEADOWS: Mr. Pringle, I'd like the  
9 record to show that the letter or minutes  
10 Supervisor Rocko was referring to is on page four  
11 of Exhibit 5 marked number 92, dated August 7,  
12 2006. Thank you.

13 BY MR. PRINGLE:

14 Q. Why did you want to privatize the Jail?

15 A. We were very frustrated with reports --

16 Q. What reports?

17 A. -- and concerned. The Williams case.

18 Q. Any other reports?

19 A. I believe we -- no, that would be it, I  
20 think, all that I can recall.

21 MR. MARTIN: This case.

22 A. We had hearsay about this case, but I don't  
23 know if we had a report on it or not. I can't  
24 remember whether or not we had a specific at this  
25 specific date and time. I think we had, but I don't



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1 want to say something that's not right.

2 Q. Sure, okay. Was it the Williams case that  
3 spurred the Board to move to try to privatize the jail  
4 or were there other factors also?

5 A. I think there were many other factors also.  
6 I think it was a lack of communication and a lack of  
7 actually knowing what was going on in the jail and  
8 could it be managed better, could we be more aware of  
9 some of the things that were going on. I read about  
10 the Williams case in the paper.

11 Q. Let me show you Exhibit 1 which is a consent  
12 Judgment from the U.S. District Court. During the  
13 time you have been serving on the Board, have you had  
14 a chance to review it or become aware of it?

15 A. I became aware of it today.

16 Q. Today?

17 A. In these meetings.

18 Q. That's the first time that you've seen it?

19 A. Yes, sir, that I can recall.

20 Q. Were you aware that it existed?

21 A. Not that I can remember.

22 Q. Okay. I'll ask you to turn to page sixteen.  
23 Look at paragraph forty. You probably heard some  
24 questions today earlier about these status reports  
25 that are required to be submitted to the district

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1 court and the U.S. Attorney's office. Have you ever  
2 seen any of these status reports?

3 A. No, sir.

4 Q. Were you aware that they were supposed to be  
5 submitted on a quarterly basis?

6 A. No, sir.

7 Q. Change with me and I'll show you Exhibit 2,  
8 and I'll ask you if you've seen that before.

9 A. Not that I can remember.

10 Q. Have you had a chance to look at it today?

11 A. I've perused it today, yes, sir, in these  
12 depositions.

13 Q. Would this be the first time, to your  
14 knowledge, that you've seen Exhibit 2?

15 A. Yes, sir, that I can recall.

16 Q. Since you have been serving on the Board of  
17 Supervisors have you had concerns about the operation  
18 of the jail?

19 A. Yes, sir.

20 Q. What have been your concerns?

21 A. The -- I can't remember the exact date that  
22 we started to be concerned about the overcrowding and  
23 the actual staffing and morale, but that was one of  
24 the biggest concerns, I believe, when it was brought  
25 to our attention by the Justice Department as to how

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1 serious it was. And those are the two documents I do  
2 -- I do remember receiving that document concerning  
3 the staffing and the line item adjustments to make  
4 sure that there was funding for the appropriate amount  
5 of jailers.

6 Q. What report was that? You said you received  
7 a report concerning --

8 A. It wasn't a report. It was a letter.

9 Q. A letter.

10 A. After we had requested what our -- I believe  
11 we requested from the Justice Department what could we  
12 do with the budget to ensure that we had the jailers.  
13 They said we could line item the budget, so we took  
14 money out of administration and put it in the jailer's  
15 line item salaries.

16 Q. That was a letter written to the Justice  
17 Department?

18 A. I believe so, a request.

19 Q. And then the Justice Department responded to  
20 you that you could do the line items?

21 A. Yes, sir. They more or less responded, We  
22 don't care how you arrange your money. We just want  
23 to make sure that that is budgeted. Then I believe  
24 the Attorney General said we could line item. That's  
25 the way I recall it, best of my ability.

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1 Q. Do you have any other concerns about the  
2 Jail?

3 A. Now?

4 Q. Let's say between 2000 and 2005, were you  
5 concerned about the operation of the jail?

6 A. After attending an accreditation by a  
7 company -- I cannot remember the name. I apologize.  
8 They accredited the jail and told us, you know -- I  
9 assumed that being -- hailing those accolades that our  
10 Jail was operating as it should. And as one of the  
11 few accredited jails in the United States, it did put  
12 my mind at ease until some of the allegations started  
13 to surface.

14 Q. Is that accreditation by the American  
15 Correctional Association? Does that sound familiar?

16 A. Had a ribbon cutting. We had, you know -- I  
17 know it was a ribbon cutting, but it was in the jail.  
18 The former warden was there. Cabana was not there at  
19 the time. He wasn't hired. I apologize, but I cannot  
20 remember the name of that.

21 Q. That accreditation has been withdrawn now,  
22 hasn't it?

23 A. Yes, sir. I think so. But just recently,  
24 the past six months, a year.

25 Q. Would it have been after the American



1 Correctional Association was made a party defendant to  
2 some of these lawsuits? Do you know if that's why  
3 they decided to withdraw that?

4 A. I don't know that, sir. I apologize.

5 Q. So you have not seen Exhibit 2, to your  
6 knowledge, prior to today?

7 A. No, sir, not that I can remember. But, you  
8 know, I'm not -- my memory -- I'm getting old.

9 Q. I show you Exhibit 3 and ask you if you have  
10 seen that prior to today.

11 A. No, sir, not that I can remember.

12 Q. Did you have a chance to look at it today?

13 A. I have perused the areas that you have  
14 pointed out, yes, sir.

15 Q. Were you aware of any of those reports or  
16 any of the information it in here prior to today?

17 A. I was made aware of the overcrowding and  
18 also the personnel shortage, not necessarily their  
19 morale -- not before '05 -- their morale, or anything  
20 about mistreating prisoners until -- I can't remember  
21 the exact date, probably '05, '06.

22 MR. MARTIN: '06.

23 A. '06. I'm sorry, '06.

24 MR. PRINGLE: You want to testify, William?

25 THE WITNESS: He's just helping me with my

1 dates. You don't understand. All this --

2 MR. PRINGLE: I thought you had to be  
3 somewhere. We'll put you back over here and let  
4 you testify some more.

5 THE WITNESS: The last day of August was  
6 pretty hectic for us for a while. I'm kind of  
7 lost sometimes.

8 BY MR. PRINGLE:

9 Q. So I take it that you didn't see the  
10 previous six reports that were submitted either?

11 A. No, sir.

12 Q. I show you Exhibit 4. Were you aware that  
13 this council, the Harrison County Criminal Justice  
14 Coordinating Council, existed?

15 A. I did not remember that until today. But I  
16 do remember, now that I think about it, some of the  
17 issues that Mr. Martin did bring to the Board. He  
18 said, I'm on this committee. That's kind of the way  
19 he explained it. I'm on this committee and we need to  
20 do this and this, so we talked about those things.  
21 But I did not -- wasn't aware really that it was -- I  
22 didn't remember the name of it or anything like that.

23 Q. You never participated in it?

24 A. No, sir, I wasn't asked.

25 Q. What issues did Mr. Martin bring to the

1 Board concerning the committee?

2 A. The public defenders office, the  
3 overcrowding and how we might address that, and  
4 personnel issues. But that was basically an  
5 every-meeting issue, especially after '05 -- I mean  
6 '06. I'm sorry, '06.

7 Q. Have you had an opportunity to meet with Mr.  
8 Cabana in Board meetings, executive session, or  
9 otherwise concerning the changes he's made at the  
10 jail?

11 A. We met with Mr. Cabana and a group that were  
12 looking at privatizing the jail and we took a short  
13 tour and he had -- I asked where the chair was. I  
14 said, Where's this chair I keep hearing so much  
15 about? He said, It's over there. They took me into a  
16 back room and it was disassembled. I said, Okay.

17 Q. Did Mr. Cabana report to you that it's no  
18 longer used at the jail?

19 A. Yes, sir. And then we had some executive  
20 session meetings concerning personnel and the locking  
21 system and security cameras, but that has been  
22 recently. I was not president at the time.

23 MR. PRINGLE: That's all the questions I  
24 have.

25

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# EXAMINATION

2 BY MS. YOUNG:

3 Q. I have one, Connie, just to clear up the  
4 record. Prior to the newspaper articles and the  
5 publicity about the Jessie Lee Williams incident or  
6 this case, were you aware of inmate abuse at the  
7 Harrison County jail?

8 A. No, ma'am. I had -- there was some hearsay  
9 and that is when this Board was so adamant about  
10 questioning and trying to find out exactly what was  
11 going on at the jail to no avail.

12 Q. You had no knowledge of any particular  
13 jailers that were abusing inmates or anything like  
14 that, did you?

15 A. No.

16 Q. And prior to the publicity in the newspapers  
17 or TV, whatever, about this particular incident and  
18 that chair, had you ever heard of a prisoner being  
19 injured as a result of being in that chair at the  
20 Harrison County jail?

21 A. No.

22 MS. YOUNG: Thank you. I have no more  
23 questions.

24 MR. PRINGLE: Thank you.

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- - -

1 (Witness excused.)  
 2 (The deposition was concluded at 2:45 p.m.)  
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1 CERTIFICATE  
 2 STATE OF MISSISSIPPI  
 3 COUNTY OF HARRISON  
 4 I, Lisa Hood Brown, Freelance Court Reporter  
 5 and Notary Public, duly commissioned for the County  
 6 of Harrison, State of Mississippi, do hereby certify:  
 7 That on the 12th day of March, 2008, there  
 8 appeared before me CONNIE ROCKO, who was sworn and  
 9 examined to tell the truth, and that the preceding  
 10 seventeen (17) typewritten pages contain a full, true  
 11 and correct copy of my stenotype notes and/or  
 12 electronic tape recording of the testimony of CONNIE  
 13 ROCKO.  
 14 That the witness has chosen to reserve  
 15 reading and signing of the deposition.  
 16 That I am not related to or in anywise  
 17 associated with any of the parties to this cause of  
 18 action, or their counsel, and that I am not  
 19 financially interested in the same;  
 20 IN WITNESS WHEREOF, I have hereunto set my  
 21 hand, this 31st day of March, 2008.  
 22  
 23  
 24 Lisa Hood Brown, CSR No. 1166  
 25 Notary Public, State of Mississippi,  
 County of Harrison. My commission  
 expires 2-5-10.

1 ERRATA SHEET  
 2 STATE OF MISSISSIPPI  
 3 COUNTY OF \_\_\_\_\_  
 4 I, CONNIE ROCKO, the undersigned Deponent,  
 5 having read the foregoing deposition, pages numbered 4  
 6 through 17, find the same to be a true and correct  
 7 transcription of the proceedings taken at the time and  
 8 place indicated therein, except as follows, (if any):  
 9 PAGE LINE WHERE IT READS: SHOULD READ:  
 10 \_\_\_\_\_  
 11 \_\_\_\_\_  
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 19  
 20 CONNIE ROCKO  
 21 Sworn to and subscribed  
 22 by me, this \_\_\_\_\_ day of  
 \_\_\_\_\_, A.D., 2008.  
 23  
 24 Notary Public, State of Mississippi,  
 25 County of \_\_\_\_\_  
 My commission expires: \_\_\_\_\_